

Item No. 16-K

TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Department Submitting Request

Stuart Dodd

Dept Head's Signature

<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>
<input type="checkbox"/> Nov 10, 2009	Oct 30 (5:00 p.m.)	<input type="checkbox"/> Jan 26, 2010	Jan 15 (5:00 p.m.)	<input type="checkbox"/> March 23, 2010	Mar 12 (5:00 p.m.)
<input type="checkbox"/> Dec 1, 2009	Nov 20 (5:00 p.m.)	<input type="checkbox"/> Feb 9, 2010	Jan 29 (5:00 p.m.)	<input type="checkbox"/> April 13, 2010	April 2 (5:00p.m.)
<input type="checkbox"/> Dec 8, 2009	Nov 25 (5:00 p.m.)	<input type="checkbox"/> Feb 23, 2010	Feb 12 (5:00 p.m.)	<input type="checkbox"/> April 27, 2010	April 16 (5:00p.m.)
<input checked="" type="checkbox"/> Jan 12, 2010	Dec 31 (5:00 p.m.)	<input type="checkbox"/> Mar 9, 2010	Feb 26 (5:00p.m.)	<input type="checkbox"/> May 11, 2010	April 30 (5:00p.m.)

NATURE OF AGENDA ITEM

- | | | |
|---|---|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> New Business |
| <input type="checkbox"/> Report | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Manager's Report |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Attorney's Report |
| <input type="checkbox"/> Bids | <input type="checkbox"/> Old Business | <input type="checkbox"/> Other |

EXPLANATION: Discussion and/or action regarding "extended lot line" versus "Riparian rights" at the end of our canals.**STAFF RECOMMENDATION:** N/A**BOARD/COMMITTEE RECOMMENDATION:** N/A**FISCAL IMPACT AND APPROPRIATION OF FUNDS:** N/A

- | | |
|---|--|
| <input type="checkbox"/> Amount \$ _____ | <input type="checkbox"/> Acct # _____ |
| <input type="checkbox"/> Transfer of funds required | <input type="checkbox"/> From Acct # _____ |
| <input type="checkbox"/> Bid | <input type="checkbox"/> Grant <input type="checkbox"/> Amount represents matching funds |

See attached sheet

Town Attorney review required

☐ Yes ☒ NoTown Manager's Initials: SD

Agenda item

I have placed this on the agenda for commission discussion to alter the sections of code that address the use of the waterways at the head of the canals. I believe that fairness dictates that Riparian rights are used rather than extended lot lines when defining the allocation of the waterways. After a short discussion with staff I felt that the 5 foot setback from the boundaries could also be waived when Riparian rights are required to produce a fairer allocation of space. There are about 5 canals and this issue has occurred before in our town.

Rather than the expense of outright code changes for this one issue I would ask that these changes (if approved by the commission) be included in the next batch of three or more to be placed before the commission.

Staff are asked to include a clear diagram showing extended lot lines and Riparian rights when defining the available waterway space at the head of the canals.

Stuart Dodd

Sec. 30-311. Boats, boat lifts, boathouses and anchorage.

(a) *Intent.* The intent of this section is to permit construction in and upon the waterways of docks, boatslips, wharves, finger piers, boat lifts, dolphin, fender or mooring piles and other related structures which do not interfere with navigation, endanger life or property, or delay the public reasonable viable access to public waterways. Structures not similar in nature to those listed herein shall be prohibited. The requirements contained in this section shall apply and control the development on the waterways town-wide.

(b) *Permit required.*

(1) It shall be unlawful for any person to construct or erect docks, wharves, piers, or dolphin, mooring or fender piles or any type of boat ~~lifting~~ or mooring device or any other structure on or in canals, rivers, basins or waterways without first obtaining a building permit from the Town. In addition to the Town building permit, and prior to its issuance, the property owner or his or her agent shall obtain the necessary approvals and/or permits from the Broward County Department of Natural Resource Protection, United States Army Corps of Engineers, or other governmental agencies as applicable to certain navigable waterways.


(2) The application for a permit prescribed by the preceding subsection shall describe the work to be done.

(3) The application shall be accompanied by detailed plans and specifications for the structure at the proposed site, together with a current survey and a plot plan drawn to scale showing the location of the proposed structure or alteration in conjunction with adjoining lands, waters and channels. The plans and specifications submitted to the Town shall be prepared and sealed by a professional engineer registered in the state. As built drawings and final certification of completion and compliance to that engineer's design shall be submitted to the Town before the Town's final inspection of the improvements.

(4) The fee for a permit shall be established by resolution of the Town Commission.

(c) *Structures in waterways.*

(1) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

 a. *Common docking area.* That part of a canal or waterway that is shared by lots adjacent to each other and adjacent or contiguous to a canal or waterway and created when boundary lot lines intersect or extend into a canal or waterway, but excluding the navigational channel area.

b. *Navigational channel.* The center 45 percent of the width of a canal basin or waterway and a minimum width of 40 feet. The center of the channel shall coincide with the centerline of the canal, basin, or waterway. Where the navigational channel runs to the terminus of a dead-end canal, basin or waterway, the

navigational channel shall end a distance from the dead-end canal, basin or waterway that is equal to the distance between the navigational channel and seawall or shoreline as measured along the same canal, basin or waterway but before the terminus of a dead-end canal, basin or waterway.

c. *Terminus.* The ending point or boundary limit of a dead-end canal, basin or waterway.

(2) In a canal, basin or waterway 50 feet in width or less, boat slips, wharves, finger piers, docks, boat lifts, or dolphin, fender or mooring piles, or any other structures shall not be constructed or erected into any canal, basin, or waterway more than five feet beyond the recorded property line.


(3) In a canal, basin or waterway which is more than 50 feet in width, boat slips, wharves, finger piers, docks, boat lifts, or dolphin, fender, or mooring piles may be constructed or erected under the following conditions providing the navigation channel is not encroached upon:

a. Boat docks or wharves may be constructed or erected to extend into any canal, basin, or waterway a distance of ten percent of the width of the canal, basin, or waterway or distance of eight feet, whichever is less, as measured from the recorded property line.

b. Finger piers may be constructed or erected to extend into any canal, basin, or waterway a distance of ten percent of the width of the canal, basin or waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line. A finger pier shall not be constructed to a width greater than four feet. The distance between finger piers shall not be less than 25 feet.

c. Boat davits, elevator lifts, cradle lifts, floating lifts, or any other similar form of boat lifting device may be constructed or erected to extend into any canal, basin or waterway in a fully raised position, a distance equal to 20 percent of the width of the canal, basin or waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line. A vertical guide pole with fluorescent identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin, mooring or fender piles may be erected to extend into any canal, basin or waterway no further than the navigation channel boundary line as measured from the recorded property line. Dolphin, mooring, or fender piles shall have a six-inch wide fluorescent or reflective band placed two feet below the top of the piling. The minimum spacing between dolphin, fender or mooring piles shall be ten feet.

 (4) No boat docks, wharves, finger piers, boat lifting or mooring devices, dolphin, mooring or fender piles, or other similar structures may be erected or cause watercraft to extend within five feet of an extended side property line.

(5) Boat docks, wharves, or finger piers shall not be constructed or erected where the elevation of the deck exceeds the elevation of the top of the abutting seawall.

(6) In addition to the provisions contained in sub-sections (1) through (4), if two or more lots share a common docking area, the following conditions must be met prior to any permit being issued pursuant to this section. The affected property owners shall enter into an agreement with the Town which shall state the property owners have reviewed and approved the proposed plans as they relate to the placement of any structure in the common docking area as well as the proposed docking of any boat or watercraft. The agreement shall be approved by the Town and thereafter recorded by the property owners along with a copy of the approved plans in the Public Records of Broward County, Florida, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the property owners.



(7) The provisions of subsections (2) through (6) shall not apply where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.

(8) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof and shall be subject to removal by the Town in the event that they are unsafe or create a hazard to navigation as determined by the Town, the cost thereof to be assessed against the owner. Opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the Town.

(9) Boathouses and boat canals dug or excavated into any of the platted waterfront lots are prohibited.

(10) No vessel or boat shall be anchored in any canal, basin or waterway within the Town, except at an approved dock, wharf, boat slip, pier, tender or mooring pile, nor shall any vessel or boat be moored so that the same shall interfere in any way with navigation.

(11) The Town Building Inspection Department shall have the right and authority to regulate the size of boats or vessels which may be moored to any dock along the canals, basins or waterways of the Town.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 415, § 2, 2-23-99; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

